



*image*

*GAU 1636*

PATENT  
Attorney Docket No. 219034  
DHHS Ref. No. E-064-1992/0-US-05

In re Application of:

Furth et al.

Art Unit: 1636

Application No. 10/037,616

Examiner J. Ketter

Filed: January 2, 2002

For: TARGETING GENE EXPRESSION TO  
LIVING TISSUE USING JET  
INJECTION

**SUBSTITUTE POWER OF ATTORNEY UNDER 37 CFR 3.71**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Government of the United States of America, represented by the Secretary, Department of Health and Human Services ("Assignee") is the assignee of the entire right, title, and interest in the above-identified U.S. patent application ("the application") as evidenced by an assignment recorded in the U.S. Patent and Trademark Office on March 31, 2000, at Reel 010721, Frame No. 0926. In accordance with 37 CFR 3.37(b), the undersigned certifies that the undersigned is authorized to act on behalf of the assignee, has reviewed all of the evidentiary documents accompanying or referred to in this Substitute Power of Attorney and, to the best of the undersigned's knowledge and belief, that title is in the Assignee.

The Assignee hereby revokes all previous powers of attorney and appoints the following as its attorneys to prosecute and transact all business in the U.S. Patent and Trademark Office connected with the application, including but not limited to the following: to receive all documents issued by the U.S. Patent and Trademark Office based thereon; to file continuation, continuation-in-part and divisional applications based thereon; to pay any and all fees, including maintenance fees for any resulting patent; and to file for reissues and extensions and to request reexamination of any resulting patent. All such powers are to be exercised separately or collectively.

Please recognize the National Institutes of Health, Office of Technology Transfer, as Principal Attorneys in this case: Customer Number 05318.

In re Appln. of Furth et al.  
Application No. 10/037,616

05318

Please recognize Leydig, Voit, & Mayer, Ltd. as Associate Attorneys in this case: Customer Number 23460.

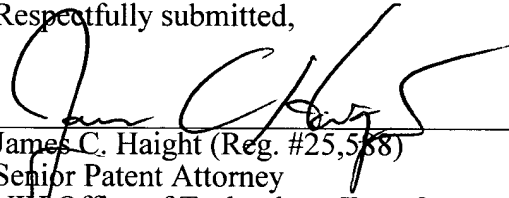
23460

The assignee requests that correspondence concerning this application be directed to Leydig, Voit & Mayer, Ltd.: Customer Number 23460.

23460

The assignee also requests that all telephone calls be directed to Leydig, Voit & Mayer, Ltd. at (312) 616-5600.

Respectfully submitted,



James C. Haight (Reg. #25,588)  
Senior Patent Attorney  
NIH Office of Technology Transfer  
6011 Executive Blvd., Suite 325  
Rockville, MD 20852-3804  
(301) 435-5470

Date: September 23, 2003



JRWIGPE

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JUNE 22, 2000

PTAS

FISH & RICHARDSON P.C.  
ROBERT M. BEDGOOD, PH.D.  
4350 LA JOLLA VILLAGE DRIVE  
SUITE 500  
SAN DIEGO, CA 92122



\*101334362A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/31/2000

REEL/FRAME: 010721/0926  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HENNIGHAUSEN, LOTHAR PH.D.

DOC DATE: 03/09/2000

ASSIGNOR:

FURTH, PRISCILLA A. M.D.

DOC DATE: 12/03/1999

ASSIGNEE:

U.S. DEPT. OF HEALTH & HUMAN  
SERVICES  
6011 EXECUTIVE BLVD., #325  
OFFICE OF TECHNOLOGY TRANSFER  
NATIONAL INSTITUTE OF HEALTH  
ROCKVILLE, MARYLAND 20852-3804

SERIAL NUMBER: 09433599  
PATENT NUMBER:

FILING DATE: 11/02/1999  
ISSUE DATE:

RECEIVED  
JUL 05 2000

FISH & RICHARDSON P.C.  
LA JOLLA, CA

|                               |
|-------------------------------|
| * No Docketing Required *     |
| Reviewed By, Practice Systems |
| Initials: <i>JS</i>           |
| Reviewed By Billing Secretary |
| Initials:                     |

010721/0926 PAGE 2

SHIRLIE SIMON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



Substitute Form PTO-1595  
Attorney Docket No.: 08830-002002  
Client's Ref. No.: E-064-92/2

04-26-2000

REC



ET

101334362

MRD 3.31.00

Assistant Commissioner for Patents: Please record the attached original document(s) or copy(ies).

1. Name of conveying party(ies):

Lothar Hennighausen, Ph.D. and Priscilla A. Furth, M.D.

Additional name(s) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):

U.S. DEPT. OF HEALTH & HUMAN SERVICES  
Office of Technology Transfer  
National Institutes of Health  
6011 Executive Blvd., #325  
Rockville, MD 20852-3804

3. Nature of conveyance:

- ☒ Assignment  
☐ Merger  
☐ Security Agreement  
☐ Change of Name  
☐ Other:

Execution Date: 12/3/99 and 3/09/00

Additional names/addresses attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed with a new application, the execution date of the application is:

A. Patent Application No(s):

09/433,599

B: Patent No(s):

Additional numbers attached? ☐ Yes ☒ No

5. Name/address of party to whom correspondence concerning document should be mailed:

ROBERT M. BEDGOOD, PH.D.  
Fish & Richardson P.C.  
4350 La Jolla Village Drive, Suite 500  
San Diego, CA 92122

6. Total number of applications/patents involved: 1

7. Total fee (37 CFR §3.41): \$40:

- ☒ Enclosed  
☐ Authorized to charge Deposit Account.

8. Deposit Account No.: 06-1050

Please apply any additional charges, or any credits, to our Deposit Account No. 06-1050.

04/25/2000 JSHABAZZ 00000051 09433599

DO NOT USE THIS SPACE

01 FC:581

40.00 DP

9. Statement and Signature: *To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Robert M. Bedgood, Ph.D.

Reg. No. 43,488

Name of Person Signing

Signature

March 28, 2000

Date

Total number of pages including coversheet, attachments and document: 4

10026051.doc

# CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

March 28, 2000  
Date of Deposit

Signature

Debbie Dean  
Typed Name of Person Signing Certificate

## ASSIGNMENT

WHEREAS, we, Priscilla A. Furth, M.D., residing at 8806 Altimont Lane, Chevy Chase, Maryland 20815, and Lothar Hennighausen, residing at 8806 Altimont Lane, Chevy Chase, Maryland 20815, have invented Targeting Gene Expression To Living Tissue Using Jet Injection, for which we have made application for Letters Patent of the United States Serial No. 09/433,599 filed November 2, 1999, and

WHEREAS, we are applicants named in the above-mentioned application for Letters Patent; and

WHEREAS, the conditions under which said invention was made are such as to entitle the Government under Paragraph 1(a) of Executive Order 10096 to the entire right, title, and interest herein, both domestic and foreign; and

WHEREAS, the Government of the United States is desirous of acquiring all domestic and foreign right, title, and interest in the above-mentioned invention described in the application for Letters Patent; and

NOW, THEREFORE, for good and valuable consideration the receipt of which is hereby acknowledged, we hereby assign and transfer to the United States of America, represented by the Secretary, Department of Health and Human Services, the full and exclusive rights in and to said invention in the U.S. and within each and every foreign country in which the Government elects to file and the entire right, title and interest in and to such applications, and any continuations, continuations-in-part, divisions, reissues or extensions thereof, and including priority rights as may be filed in the U.S. and foreign countries, and such Letters Patent as may be granted to be held by the Government to the end of the term for which the same would have been held by the inventors had this assignment not been made.

We further agree to make, execute and deliver to the Secretary Department of Health and Human Services, upon request, any and all papers, documents, affidavits, or other instruments that may be necessary in the prosecution of any application or applications for improvements or reissues of Letters Patent, and to assist the Government in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by the Government.

IN WITNESS WHEREOF, we subscribe our hands and seals on the dates shown below:

Priscilla A. Furth, M.D. (Seal) 12/3/99  
Date

County of BALTIMORE  
State of MARYLAND SS:

Subscribed and sworn to before me this 3rd day of DECEMBER, 1998.

Seal

Michael E. Neenan  
Notary Public COMMISSION EXPIRES NOV 1 2001

Lothar Hennighausen (Seal) \_\_\_\_\_  
Date

County of \_\_\_\_\_  
State of \_\_\_\_\_ SS:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

Seal

\_\_\_\_\_  
Notary Public

IN WITNESS WHEREOF, we subscribe our hands and seals on the dates shown below:

\_\_\_\_\_  
Priscilla A. Furth, M.D. (Seal) \_\_\_\_\_  
Date

County of \_\_\_\_\_  
State of \_\_\_\_\_ SS:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

Seal \_\_\_\_\_  
Notary Public

Lothar Hennighausen (Seal) 3-9-00  
Lothar Hennighausen Date

County of MONTGOMERY  
State of MARYLAND SS:

Subscribed and sworn to before me this 9TH day of MARCH, 2000  
1998

Seal \_\_\_\_\_  
Notary Public

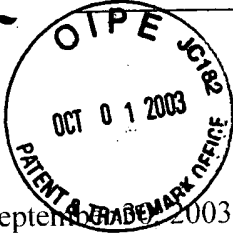
**My Commission Expires Feb. 1, 2004**





DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service  
National Institutes of Health



September 2003

Office of Technology Transfer  
National Institutes of Health  
6011 Executive Boulevard  
Rockville, MD 20852

Commissioner For Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RE: Substitute Power of Attorney Under 37 CFR 3.71 for:  
USSN 10/037,616, filed January 2, 2002, Our Ref. E-064-1992/0-US-05  
USSN 09/873,546, filed June 4, 2001, Our Ref. E-293-2000/0-US-01  
USSN 10/111,664, filed August 16, 2002, Our Ref. E-230-1999/0-US-03

Dear Commissioner:

Enclosed please find three (3) executed Substitute Powers of Attorney for the above-referenced patent applications. Please address any questions to Leydig, Voit & Mayer, Ltd. at 312-616-5600.

Very truly yours,

Carol Meyer  
Paralegal Specialist

Cc: Ellen Marsh, LV&M